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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91222793
Party	Defendant HGW Detroit
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Submission	Answer
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Date	09/21/2015
Attachments	Answer to Notice of Opposition 91222793.pdf(168814 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

IN THE MATTER OF APPLICATION SERIAL NO. 86/427,276
PUBLISHED IN THE OFFICIAL GAZETTE ON MARCH 17, 2015

CBS BROADCASTING INC.)	
)	
Opposer,)	Opposition No.: 91222793
)	Mark: Detroit Proud
vs.)	
)	
HGW Detroit,)	
)	
Applicant.)	
)	

ANSWER TO NOTICE OF OPPOSITION

Applicant, HGW Detroit (hereinafter “Applicant”), a Detroit Michigan Limited Liability Corporation, with a principal place of business located at 18633 Mack Ave., Detroit, MI 48236, hereby answers the Notice of Opposition (hereinafter the “Opposition”) filed by Opposer CBS Broadcasting Inc., (hereinafter “Opposer”) on August 18, 2015, as follows:

1. Applicant admits the allegations set forth in paragraph 1 of the Opposition
2. Applicant lacks sufficient knowledge or information to form a belief as to the allegations contained in paragraph 2 of the Opposition, and accordingly, denies the allegations set forth in paragraph 2.
3. Applicant denies each and every allegation contained in paragraph 3 of the Opposition.

4. Applicant lacks sufficient knowledge or information to form a belief as to the allegations contained in paragraph 4 of the Opposition, and accordingly, denies the allegations set forth in paragraph 4.
5. Applicant lacks sufficient knowledge or information to form a belief as to the allegations contained in paragraph 5 of the Opposition, and accordingly, denies the allegations set forth in paragraph 5.
6. Applicant admits that it filed for use of the DETROIT PROUD trademark on October 17, 2014, but denies all other allegations set forth in paragraph 6 of the Opposition.
7. Applicant admits the allegations set forth in paragraph 7 of the opposition.
8. Applicant admits that DETROIT PROUD is identical in sight and sound, but denies all other allegations set forth in the additional paragraph “7” of the Opposition.
9. Applicant denies each and every allegation contained in paragraph 9 of the Opposition.
10. Applicant denies each and every allegation contained in paragraph 10 of the Opposition.
11. Applicant denies each and every allegation contained in paragraph 11 of the Opposition.
12. Applicant denies each and every allegation contained in paragraph 12 of the Opposition.

AFFIRMATIVE DEFENSES

NOW COMES Applicant, and by way of affirmative defenses, states as follows:

1. The Opposition fails to state a claim upon which relief can be granted.
2. Applicant's use of its mark, DETROIT PROUD, for services set forth in Application No. 86427276 have not created and will not cause a likelihood of confusion; falsely and erroneously suggest a connection with Opposer; violate Opposer's alleged common law rights; or damage, interfere nor dilute Opposer's use of their alleged common law rights in DETROIT PROUD.
3. Applicant's use of DETROIT PROUD is distinct and distinguishable from the goods and/or services upon which Opposer purportedly uses its mark.
4. Applicant's mark and Opposer's do not travel in the same stream of commerce.
5. Opposer's alleged common law rights rest in a weak mark.
6. Opposer has not suffered and will not suffer any damages or injury from Applicant's use of its mark, from the registration of Applicant's mark pursuant to Application No. 86427276, or from any other act of Applicant.
7. The Notice of Opposition, and each cause of action contained therein, is barred by laches.
8. The Notice of Opposition, and each cause of action contained therein, is barred by acquiescence.
9. The Notice of Opposition, and each cause of action contained therein, is barred by waiver.
10. The Notice of Opposition, and each cause of action contained therein, is barred by estoppel.

11. The Notice of Opposition, and each cause of action contained therein, is barred by prior registration.
12. Applicant reserves the right to raise any and all additional affirmative defense that may become apparent at any time in the remaining course of the litigation.

PRAYER FOR RELIEF

WHEREFORE, Applicant generally denies that Opposer would be damaged by Applicant's registration of the mark DETROIT PROUD, and respectfully requests that the Board dismiss all claims set forth in the Opposition, and grant registration to Applicant's mark, DETROIT PROUD, Application Serial No. 86/427,276 be allowed.

Respectfully Submitted,

Date: September 21, 2015

Jason R. Cooper
Waref Hawasli
HGW Media
18633 Mack Ave.
Detroit, MI 48236

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
Answer to Notice of Opposition was served on Opposer's counsel:

Diane Plaut
CBS
51 West 52nd Street
New York, NY 10019

via email at diane.plaut@cbs.com, trademarks@cbs.com, lauren.marcello@cbs.com,
elena.vetere@cbs.com, neal.greenfield@cbs.com and United States first class mail,
postage prepaid, on this 21st day of September, 2015.

____/Jason R. Cooper/
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